

This broadcast flag issue cannot be allowed to result in unfair control over consumers' rights. The FCC is a government agency, and as such it is obligated to consider the rights of all US citizens as well as businesses -- not to abridge the rights consumers have had for many decades solely to do the business' bidding.

The broadcast flag by itself does nothing. How it is legally to become implemented by the consumer electronics industry is what makes all the difference. In my view, with broadcast flag set, it should still be possible for consumers to copy a program, for the purpose of time shifting or of playing the program on another TV set, while refraining from reselling the program. Anything less should be unacceptable. Whether the broadcast flag can serve any useful purpose if it still permits the flexibility I suggest above, I don't know for sure, but maybe it can.

Perhaps the best use of the broadcast flag is a LEGAL one. If a program is produced with the flag set, and this can be proven, then any copy of that program that is found to be for sale by a third party is ILLEGAL. This would be true for that copy, no matter how the copy's broadcast flag is set.

Standard legal system proceedings would come into play, in the event such a recording is found on the market. Implemented this way, the broadcast flag would not only NOT abridge the people's rights, but it would also be relatively immune to the easy task of resetting the broadcast flag during download, so as to bypass its intended effect.

Please consider that the entertainment industry was in no way hurt by the introduction of tape recorders in the 1950s, and the video cassette in the 1970s. These cries from the entertainment industry must be seen with the advantage of 20/20 hindsight.

Thank you for considering these ramblings.

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